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SENSITIVE  
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STATE PASS TO USAID FOR AID/ANE, AID/DCHA/DG  
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SUBJECT: THINKING AHEAD ABOUT ELECTION CHALLENGES AT THE IEC

¶1. (SBU) Daoud Ali Najafi, Chief Technical Officer of the Independent Elections Commission (IEC), is thinking ahead about how to resolve potential challenges to the legitimacy of the electoral process. Facing widespread public speculation that insecurity will discourage voter registration, and subsequently yield a discrediting low turnout on voting day in 2009, Dr. Najafi has prepared his "contingency plans."

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SOLUTIONS TO LOW PARTICIPATION: MOBILE TEAMS AND MORE TIME  
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¶2. (SBU) If the IEC's operational data analysis shows voter registration in some areas to be much lower than official population estimates would suggest, the IEC will investigate whether the cause is inaccessibility or insecurity, and devise an appropriate solution. For inaccessibility, the IEC will consider transferring staff from the voter registration site in the district centers (capitals) to new, more remote voter registration locations in that district. Likewise, if low turnout plagues the one-month intensive voter registration period in a particular region, the IEC may set aside extra funds to keep district-center voter registration sites there open for a longer period. Keeping a voter registration facility open at the IEC provincial headquarters is another option, and would incur no additional cost.

¶3. (SBU) The IEC's mobile teams also offer a good alternative for reaching both remote and violence-prone areas, even districts where government control is weak, according to Dr. Najafi. The district-level IEC civic educators, Dr. Najafi says, may choose to open discussions with local and tribal leaders to persuade them to accept the mobile teams as "guests" under traditional norms, ensuring the team will have both access and security. Like a fixed voter registration site, each mobile team will have five IEC staff. These five staff will travel in one vehicle, stopping to register voters in an area for a day or two, either by prior arrangement or simply by going door-to-door.

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PROTECTING THE IEC'S POLITICAL INDEPENDENCE  
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¶4. (SBU) Dr. Najafi is also working to defend the independence of the Commission and rebuff potential criticism

that its technical decisions and operations have partisan motives. He recognizes that the IEC will need to show its data and analysis to forestall criticism that districts with Karzai supporters might benefit disproportionately from extended registration. Najafi turned down Interior Minister Zarar's August 28 request to swap around the provinces designated for Phase One of voter registration, even though Zarar dwarfs Najafi in both rank and political clout.

¶5. (SBU) Najafi strongly opposes the National Assembly's draft law proposing to subject the Commissioners to legislative approval. It is unconstitutional, says Najafi, because the Constitution defines both the standing of the IEC (Articles 156 and 157) and specifically lists senior officials subject to legislative approval, without mentioning the IEC.

¶6. (SBU) Najafi argues the law would, moreover, introduce a crippling partisanship. The National Assembly took two years to approve the justices of the Supreme Court, and, Najafi says, would certainly dicker longer over IEC commissioners. (Najafi, like many legislators, appears to be engaging in amateur constitutional interpretation to suit his argument; the translated text on legislative concurrence on justices and the election commissioners is virtually identical.)

¶7. (SBU) Dr. Najafi believes that the impetus behind the new law on the IEC is largely the festering quarrel between Lower House speaker Qanooni and IEC Chief Commissioner Dr. Ludin, which dates from Ludin's opposition to Qanooni's ambitions when Ludin served in the National Assembly

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Secretariat. In discussions with the legislative committee, Dr. Najafi drily noted that poll data show that legislators' claim to represent the populace is weaker than the President's: Karzai won with 55 per cent of the vote, but most National Assembly members polled 20 per cent or less.  
WOOD